



Docket No.: 826.1798

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re the Application of:

Toshiro SHIBANUMA, et al.

Serial No. 10/084,468

Group Art Unit: 2175

Confirmation No. 4994

Filed: February 28, 2002

Examiner: Neveen Abel Jalil

For: LIST DISPLAY DATA GENERATING APPARATUS AND A PROGRAM THEREOF

SUBSTITUTE APPEAL BRIEF

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

I. Real Party in Interest

The inventors, Toshiro Shibamura, Masaaki Daimon and Hisayasu Nakao, assigned all rights in the subject application to Fujitsu Limited on February 5, 2002 according to the Assignment executed February 5, 2002 and submitted for recordation on February 27, 2002. Therefore, the real party in interest is Fujitsu Limited.

II. Related Appeals and Interferences

There are no related appeals or interferences known to Appellants, Appellants' legal representatives or the Assignee, Fujitsu Limited, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. Status of Claims

Claims 1-10 are pending in the application and are being appealed. Claims 1-10 stand rejected under 35 USC § 103(a).

IV. Status of Amendments

An Amendment was filed October 6, 2004 in response to the first Office Action dated May 6, 2004. The March 8, 2005 Office Action indicated that the October 6, 2004 Amendment was entered.

V. Summary of Claimed Subject Matter

The present invention is directed to an "apparatus generating list display data where contents extracted from registration information are sorted in an order of newer arrivals" (claim 1, lines 1-2), as described at e.g., page 15, lines 21-22. As recited in claim 1 and illustrated in Fig. 2 of the application, the apparatus comprises an attribute setting unit and a data generating unit. Figure 2 is described at page 8, line 18 to page 12, line 24.

The body of claim 1 recites that the attribute setting unit performs the operation "setting a display attribute as a predetermined type of font or a predetermined color of background of a list display target for contents of the list display target based on a relationship between a date on which the contents are registered and a current date" (claim 1, lines 3-5) as described in the application at, e.g., page 9, lines 3-11. This makes the relationship between the associated date and the current date is immediately clear to the user, for example using "a display attribute such as a display color or a display style of characters that represent date and time" (Application, page 6, lines 7-9). Claim 1 also recites "generating list display data of the contents of the list display target by using the set display attribute" (claim 1, last 2 lines), as described in the application at, e.g., page 9, lines 12-18 and page 17, lines 1-12.

The specific types of attributes recited in claim 1, "type of font" (claim 1, line 3) and "color of background" (claim 1, line 4) are described in the application and illustrated in Figs. 6-13. The disclosed embodiments include attributes that define the background color (e.g., Application, page 21, line 6; Fig. 10) and different font characteristics, such as bold (e.g., Application, page 20, line 2; Figs. 8 and 9), italics (e.g., Application, page 20, lines 3 and 5; Figs. 8 and 9) and font size (e.g., Application, page 22, line 14; Figs. 12 and 13).

Claim 5 is directed to a method of doing what is recited in the preamble of claim 1. Other than not reciting the units that perform the operations, the body of claim 5 differs from claim 1 only in that the clause "of a list display target for contents of the list display target" on line 4 of claim 1 appears as "for contents of a list display target" on line 3 of claim 5. Therefore, the correspondence between claim 1 and the specification provided above applies to claim 5.

Claim 6 is directed to a "computer-readable storage medium used by a computer ... on which is recorded a program for causing the computer to execute a process" (claim 6, lines 1-3) and has a body identical to claim 5. Therefore, the correspondence between claim 1 and the specification provided above applies to claim 6 as well.

Claim 7 is directed to a "program, which is used by a computer ... for causing the computer to execute a process" (claim 6, lines 1-3) and has a body identical to claims 5 and 6. Therefore, the correspondence between claim 1 and the specification provided above applies to claim 7 as well.

VI. Grounds of Rejection to be Reviewed on Appeal

In the final Office Action dated March 8, 2005, the Examiner rejected claims 1, 2, 4-8 and 10 under 35 USC § 103(a) as unpatentable over U.S. Patent Application Publication No. 2003/0023638 to Weight in view of U.S. Patent No. 6,647,125 B2 to Matsumoto et al. and rejected claims 3 and 9 as unpatentable over Weight in view of Matsumoto et al. and further in view of U.S. Patent No. 6,647,383 to August et al. The rejections of all of the claims are being appealed.

VII. Argument

Disclosures in Prior Art

U.S. Patent Application Publication 2003/0023638 to Weight

The Weight publication is directed to a system for processing content collected from a content provider and stored in an SQL database. "Each piece of content has associated attributes, such as start date, start time, end time, priority, status, and locale" (paragraph [0056], lines 7-10). The attributes are used to determine "the date and time at which the content should be displayed" (paragraph [0056], lines 13-14) and "the country or geographic region in which the content is to be displayed" (paragraph [0056], last two lines). However, nothing has been found regarding use of the attributes to determine **how** the content is to be displayed.

U.S. Patent 6,647,125 B2 to Matsumoto et al.

The Matsumoto et al. patent is directed to an image processing apparatus that displays "information of the original image or the image after conversion" (column 3, lines 40-41). Since Matsumoto et al. relates to processing images, the word "font" is not used and no synonym for "font" has been found in Matsumoto et al. Furthermore, the word "color" is used in connection with a "color conversion matrix" (e.g., column 3, line 58); the "color[,] ... format [and] color

processing profile of the sub image" (column 4, lines 18-21); a "color filter array pattern" (column 4, lines 51-52); a "compression type [which] indicates whether the tile data are ... a single color" (column 5, lines 15-17); "the compression sub type [which] indicates the color in case of single-color data, or the interleaving type, chroma sub sampling method, presence/absence of internal color conversion" (column 5, lines 18-21); the "color configuration ... of the image" (column 5, lines 40-41); "color space conversion" (column 7, line 4) of "the color space of the pixel data" (column 7, line 3) as described at column 7, lines 3-49; and "color component of the watermark information" (column 8, line 51), but the word "color" is not used with reference to a "predetermined color of background" (e.g., claim 1, line 4).

U.S. Patent 6,647,383 to August et al.

The August et al. patent is directed to a system for providing interactive dialogue and iterative search functions. Dates associated with information accessed by the system are used to "determine if an element is currently relevant" (column 23, line 50) and "to assist in navigating through volumes of material" (column 23, lines 52-53).

Claims 1, 2, 4-8 and 10

First, by revising the rejection of the claims in the first Office Action, the Examiner acknowledged that Weight taken alone does not teach or suggest the appealed claims. Second, it is submitted that the addition of Matsumoto et al. to Weight also fails to teach or suggest the appealed claims.

As discussed above, Matsumoto et al. does not teach anything about "a predetermined type of font" (e.g., claim 1, line 3) and nothing has been found in Matsumoto et al. regarding a "predetermined color of background" (e.g., claim 1, line 4). The cited portions (column 1, lines 17-28 and column 3, lines 25-60) of Matsumoto et al. describe the lack of teaching in the prior art regarding watermarking, i.e., "adding certain information in a manner inconspicuous or invisible to the human eyes" (column 1, lines 22-24), and third through fifth attribute information of image objects before and after conversion. The third attribute information relates to "[i]nformation on the output image including the list of locked properties, image title after conversion, final editor, output image index, largest image index, largest conversion item index, largest operation index etc." (column 3, lines 25-28). The fourth attribute information relates to "the image ID, list of locked properties, title, final editor, revision number, date and time of preparation, date and time of final correction, application used in preparation, status, number of conversions, list of conversion processes, height/width of the contained image etc." (column 3, lines 40-46). The fifth attribute information relates to

conversion item ID, operation class ID, list of locked properties, conversion title, final corrector, revision number, date and time of preparation, date and time of final correction, application used for preparation, input data list, output data list, operation number, aspect ratio of process result, observed rectangular area, filtering geometric calculation, color conversion matrix, contrast adjustment etc.

(column 3, lines 50-57).

It is submitted that nothing that was cited or anything else in Matsumoto et al. suggests modification of Weight to include "a predetermined type of font or a predetermined color of background of a list display target for contents of the list display target based on a relationship between a date on which the contents are registered and a current date" (claims 1 and 5, lines 3-5; and claim 6, lines 5-7; and claim 7, lines 4-6). Since claims 2 and 4 depend from claim 1 and claims 8 and 10 depend from claim 7, it is submitted that claims 1, 2, 4-8 and 10 patentably distinguish over Weight in view of Matsumoto et al. for the reasons discussed above.

Claims 3 and 9

As recognized by the Examiner in adding Matsumoto et al. to the rejection of claims 1, 2, 4-8 and 10, August et al. contains no suggestion of modifying Weight to include "a predetermined type of font or a predetermined color of background of a list display target for contents of the list display target based on a relationship between a date on which the contents are registered and a current date" (claim 1, lines 3-5, and claim 7, lines 4-6). As discussed above, claims 1 and 7 patentably distinguish over Weight in view of Matsumoto et al.; therefore, claims 3 and 9 which depend from claims 1 and 7 patentably distinguish over Weight in view of Matsumoto et al. and further in view of U.S. Patent No. 6,647,383 to August et al.

Summary of Arguments

For the reasons set forth above and in the Amendment filed October 6, 2004, it is submitted that claims 1-10 patentably distinguish over Weight in view of Matsumoto et al., with or without the addition of August et al. Thus, it is respectfully submitted that the Examiner's final rejection of the claims is without support and, therefore, erroneous. Accordingly, the Board of Patent Appeals and Interferences is respectfully urged to so find and to reverse the Examiner's final rejection.

The required fee of \$500 was submitted on October 6, 2005 when the original Appeal Brief was filed. A Petition for a one-month extension of time and the requisite fee of \$120 is submitted herewith. If any additional fees are required, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 2/22/06

By: Richard A. Gollhofer
Richard A. Gollhofer
Registration No. 31,106

700 Eleventh Street, NW, Suite 500
Washington, D.C. 20001
(202) 434-1500

VIII. Claims Appendix

1 1. An apparatus generating list display data where contents extracted from registration
2 information are sorted in an order of newer arrivals, comprising:
3 an attribute setting unit setting a display attribute as a predetermined type of font or a
4 predetermined color of background of a list display target for contents of the list display target
5 based on a relationship between a date on which the contents are registered and a current date;
6 and
7 a data generating unit generating list display data of the contents of the list display target
8 by using the set display attribute.

2. The list display data generating apparatus according to claim 1, wherein said attribute setting unit sets a display attribute of contents whose registered date is the current date as a display attribute that is different from a display attribute of contents whose registered date is a preceding date or earlier.

3. The list display data generating apparatus according to claim 1, wherein said attribute setting unit sets a display attribute of the contents according to a number of days elapsed from the date on which the contents are registered to the current date.

4. The list display data generating apparatus according to claim 1, further comprising a data transmitting unit externally transmitting the list display data generated by said data generating unit so that an external device displays the list display data.

5. A method generating list display data where contents extracted from registration information are sorted in order of newer arrivals, comprising:
 setting a display attribute for contents of a list display target as a predetermined type of font or a predetermined color of background based on a relationship between a date on which the contents are registered and a current date; and
 generating list display data of the contents of the list display target by using the set display attribute.

6. A computer-readable storage medium used by a computer for generating list display data where contents extracted from registration information are sorted in order of newer arrivals, on which is recorded a program for causing the computer to execute a process, the process comprising:

setting a display attribute for contents of a list display target as a predetermined type of font or a predetermined color of background based on a relationship between a date on which the contents are registered and a current date; and

generating list display data of the contents of the list display target by using the set display attribute.

7. A program, which is used by a computer for generating list display data where contents extracted from registration information are sorted in order of newer arrivals, for causing the computer to execute a process, the process comprising:

setting a display attribute for contents of a list display target as a predetermined type of font or a predetermined color of background based on a relationship between a date on which the contents are registered and a current date; and

generating list display data of the contents of the list display target by using the set display attribute.

8. The program according to claim 7, wherein a display attribute of contents whose registered date is the current date is set as a display attribute that is different from a display attribute of contents whose registration date is a preceding day or earlier in setting of the display attribute.

9. The program according to claim 7, wherein a display attribute of the contents is set according to a number of days elapsed from the date on which the contents are registered to the current date in setting of the display attribute.

10. The program according to claim 7, the process further comprising externally transmitting the generated list display data so that an external device displays the list display data.

IX. Evidence Appendix

(None)

X. Related Proceedings Appendix

(None)